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Express Mail No.: EL 501 635 975 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: CERAMI *et al*

RECEIVED

Serial No.: 09/259,929

Group Art Unit: 1617

DEC 18 2000

Filed: March 1, 1999

Examiner: Edward J. Webman

TECH CENTER 1600/2300

For: METHODS AND DEVICES FOR
MODULATING THE IMMUNE RESPONSE

Attorney Docket No.: 10162-004-999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ Substitute Form PTO-1449, titled Supplemental List of References

1b. ☒ Copies of publications **AG, AH, AI** and **AJ**.

1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.

1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b) before the later of three months after the U.S. patent application filing date or before the first Office Action on the merits. Accordingly, no fee or certification is required.



- ☐ enclosed
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after Final Office Action or Notice of Allowance, but before payment of Issue Fee.

A Petition to the Commissioner is hereby made under 37 C.F.R. §1.97(d) to request consideration of this Information Disclosure Statement. The \$130.00 fee set forth in 37 C.F.R. §1.17(i)(1) is:

- ☐ enclosed.
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement *(applicable if Item 3a or Item 4 is checked)*

(Check either Item 5a or 5b)

5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ A continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d) is concurrently filed herewith.

(Check appropriate Items 6a, 6b and/or 6c)

6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.

6b. ☒ Copies of the publications **AA** to **AF** listed on Substitute Form PTO-1449 from prior application Serial No. 09/033,402, filed on March 2, 1998, of which this application claims priority under 35 U.S.C. §120, have been omitted pursuant to 37 C.F.R. §1.98(d).

6c. ☒ Copies of the publications **AG**, **AH**, **AI** and **AJ** listed on Substitute Form PTO-1449 which were not previously cited in prior application Serial No. 09/033,402, filed on March 2, 1998, of which this application claims priority under 35 U.S.C. §120, are provided herewith.

7. ☒ This is a Supplemental Information Disclosure Statement. *(Check either Item 7a or 7b)*

7a. ☒ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on September 7, 1999. A bona



vide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. References **AG**, **AH**, **AI**, and **AJ**, were cited in the PCT International Search Report mailed September 30, 1999.

- 7b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of a PTO Notice under 37 C.F.R. §1.97(i).
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check Item 8a, 8b, or 8c)

- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Date December 7, 2000

Respectfully submitted,

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